IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

TUESDAY, THE 23RD OCTOBER 2007 / 1ST KARTHIKA 1929

MACA.No. 1839 of 2007()

OPMV.393/2001 of MOTOR ACCIDENT CLAIMS TRIBUNAL, THRISSUR
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APPELLANT/PETITIONER:

SUDEESH, S/O. BHASKARAN,
PUNULLY HOUSE, IYLOOR, PERUMPADAPPU,
MALAPPURAM DISTRICT.

BY ADV. SRI.P.V.CHANDRA MOHAN

RESPONDENTS: RESPONDENTS:
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1. RASHEED, S/O. KOYA,
THADIYANKAVIL HOUSE, AYIROOR, PERUMPADAPPU,
MALAPPURAM.

2. SHANAVAS, S/O. MOIDU,
CHANGARCHAMPARAMBIL HOUSE,
ERAMANGALAM,MALAPPURAM.

3. UNITED INDIA INSURANCE CO. LTD.,
REP. BY DIVISIONAL MANAGER, UNITED INDIA
INSURANCE CO. LTD., DIVISIONAL MANAGER,THRISSUR.

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 23/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.S.RADHAKRISHNAN & A.K.BASHEER, JJ

M.A.C.A. 1839/2007

Dated this the 23rd day of October, 2007

JUDGMENT

Claimant is the appellant. Accident is not disputed. So also the Insurance coverage. Only question that is to be decided is whether the compensation amount awarded is just and proper. Learned counsel appearing for the claimant submitted that though Ext.A8 disability certificate was produced showing 17% of disability, it was not accepted by the Tribunal and disability was taken as 6%. Counsel submitted that there is no justification in not accepting the certificate.

2. We find no error in the finding of the Tribunal, especially when Ext.A8 has not been proved by examining the Doctor. Further the claimant has also not adduced any oral evidence. There is no merit in this appeal and the same is dismissed.

K.S.RADHAKRISHNAN
Judge

A.K.BASHEER
Judge

mrcs